IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 26287 of 2006(D)

PETITIONER:

THOMAS, S/O.ITTIAVIRAH,
AGED 58, PULIMOOTTIL HOUSE,
MEENADOM, KOTTAYAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
   KOTTAYAM.

2. THE REVENUE DIVISIONAL OFFICER,
   KOTTAYAM.

3. THE VILLAGE OFFICER,
   MEENADOM VILLAGE,
   KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SMT.N.SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the settlement deed dated 24-11-1955.

Ext.P2: Photocopy of the receipt dated 21-12-2005 issued by the 3rd respondent.

Ext.P2(a): Photocopy of the rough sketch.

Ext.P3: Photocopy of the stop memo issued by the 3rd respondent dated 8-9-2006.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.26287 OF 2006

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Dated this the 30th day of November 2006

JUDGMENT

Petitioner is challenging prohibitory order issued by the Village Officer for continuing the excavation in petitioner's property. Government Pleader reported that on petitioner's neighbour's complaint, Village Officer initiated action. Since the proceedings initiated against the petitioner comes under the Land Conservancy Act, for which the authority concerned is Revenue Divisional Officer, writ petition is disposed of directing the petitioner to forward his objection to the Revenue Divisional Officer, Kottayam within a week from the date of receipt of a copy of this judgment. A copy of the complaint filed by petitioner's neighbour to the Village Officer will be given to the petitioner by the Village Officer for him to file objections. Revenue Divisional Officer shall hear the petitioner and the complainant, if required call for report from the Village Officer and pass orders within one month from receipt of this judgment.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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